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**AUG 18 2005**

**OFFICE OF PETITIONS**

In re Application of :  
Thomas E. Walker :  
Application No. 10/713,987 :  
Filed: November 14, 2003 :  
Attorney Docket Number: :  
LK9-03-001 : ON PETITION

This is a decision on the Renewed Petition under 37 CFR § 1.137, filed August 4, 2004, and on the petition under 37 CFR 1.137(b), filed June 22, 2005.

The Petition under 37 CFR 1.137(a) is hereby granted.

The Petition under 37 CFR 1.137(b) is dismissed as moot.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action mailed July 2, 2004. The Office action set a three (3) month period for reply. No response having been received, the application became abandoned on October 3, 2004. A Notice of Abandonment was mailed March 25, 2005.

Petitions filed alternatively under 37 CFR §§ 1.181, and 137(a), filed on June 22, 2005, were dismissed by this Office in a Decision mailed on July 28, 2005, for failing to meet the requirements of a grantable petition. A decision on an alternative petition under 37 CFR 1.137(b) was held in abeyance, pending the instant request for reconsideration under 37 CFR 1.137(a).

With the instant petition, Petitioner has provided the necessary statements and copies of the docket record where the non-received Notice would have been entered had it been received and docketed. Petitioner has demonstrated by a preponderance of the evidence that the Notice was not received.

In view of the above, the petition under 37 CFR 1.137(a) is granted, the petition under 37 CFR 1.137(b) is dismissed as moot.

The Notice of Abandonment is hereby withdrawn.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.



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Petitions Attorney  
Office of Petitions